



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of BOB LOUX,
Executive Director, Office of Nuclear Projects,
State of Nevada,

Request for Opinion No. 08-57C

Subject.

**NOTICE OF HEARING
and
PANEL DETERMINATION**

NOTICE OF HEARING

PLEASE TAKE NOTICE that a hearing is set before the Nevada Commission on Ethics, in accordance with Nevada Revised Statutes (NRS) 281A and 233B and Nevada Administrative Code (NAC) 281A. The purpose of the hearing is to consider allegations that the Subject, Bob Loux (Loux), violated the Ethics in Government law as described in the Panel Determination below. Further, if during the hearing, the Commission finds any violation, the Commission will determine whether the violation was willful and whether any penalties will be imposed, pursuant to NRS 281A.480.

THE HEARING WILL TAKE PLACE:

**January 8, 2009 beginning at 9:00 a.m., or as soon thereafter as the
Commission is able to hear the matter, at the following locations:**

**State Contractors Board
9670 Gateway Drive, Ste. 100
Reno, NV 89511
via a video-conference to
State Contractors Board
2310 Corporate Circle, Suite 200
Henderson, NV 89074**

Loux must be present when this matter is called. If Loux is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination below. Please direct any hearing scheduling matters to Patricia D. Cafferata, Executive Director, Esq., at (775) 687-5469, Ext. 222.

The hearing is open to the public under Nevada's Open Meeting Law. A verbatim record will be made by a certified court reporter. Loux has the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on his behalf.

Loux has the right to request that the Commission issue subpoenas on his behalf to compel witnesses to testify and/or produce evidence. In making this request, he may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other rights are found in NRS 281A, NRS 233B, and NAC 281A. A finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

PANEL DETERMINATION

Issues and Jurisdiction

An Ethics Complaint was filed against Loux alleging that he violated NRS 281A.400.2 when he used his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself and for his employees, persons to whom he may have a commitment in a private capacity to the interest of those persons, when he gave himself and his employees unauthorized pay raises in 2007 and 2008.

Additionally, during the the Commission's investigation, information was discovered regarding issues and facts beyond those presented in the complaint that implicate additional allegations of violations of NRS 281A.400.2 and NRS 281A.400.9. The Commission alleged that Loux violated NRS 281A.400.2 when he used his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself and for his employees, persons to whom he may have a commitment in a private capacity to the interest of those persons, when he gave himself and his employees unauthorized pay raises in 2006. Further, it is alleged that Loux violated NRS 281A.400.9 by attempting to benefit his personal or financial interest through the influence of a subordinate to gain unauthorized pay raises.

In his public capacity, Loux is the Executive Director for the State of Nevada Office of Nuclear Projects, a public officer as defined in NRS 281A.160. Additionally, the allegations pertain to NRS 281A (Ethics in Government Law). Therefore, the Commission has jurisdiction over this matter.

Panel Proceeding

On November 13, 2008, pursuant to NRS 281A.440.3, a Panel consisting of Commissioners Tim Cashman and Erik Beyer reviewed the following: Ethics Complaint; Response to Complaint; Investigator's Report; Executive Director's recommendation relating to just and sufficient cause; and the evidence collected.

The following is the panel's findings:

The Panel found that just and sufficient cause **EXISTS** for the Commission to render an opinion on the following allegations that Loux violated:

1. NRS 281A.400.2 when in 2006, Loux gave himself a pay raise above the legislatively approved budget amount.
2. NRS 281A.400.2 when in 2007, Loux gave himself a pay raise above the legislatively approved budget amount.

3. NRS 281A.400.2 when in 2008, Loux gave himself a pay raise above the legislatively approved budget amount.
4. NRS 281A.400.2 when in 2006, Loux gave pay raises to his employees above their legislatively approved salaries.
5. NRS 281A.400.2 when in 2007, Loux gave pay raises to his employees above their legislatively approved salaries.
6. NRS 281A.400.2 when in 2008, Loux gave pay raises to his employees above their legislatively approved salaries.
7. NRS 281A.400.9 in 2006, 2007, and 2008 when Loux attempted to benefit his personal or financial interest through the influence of a subordinate when he gave himself unauthorized pay raises and his subordinate certified the raises. Loux submitted the necessary paperwork for salary increases to his office manager and she signed off on the paperwork. No pay raises would have been given without her certification.

THEREFORE, the foregoing seven allegations are **REFERRED** to the Commission to hold a hearing and render an opinion.

Dated: March 19, 2008

Patricia D. Cafferata
Patricia D. Cafferata, Esq.
Executive Director